



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

re Patent Application of

Josef Giessler et al.

Application No.: 10/642,343

Filed: August 18, 2003

For: DRILLING OR MILLING TOOL AND  
PROCESS FOR ITS  
MANUFACTURE

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)  
) Group Art Unit: 3722

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) Examiner: SARA ADDISU

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) Confirmation No.: 1920

**ELECTION AND TRAVERSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated June 16, 2005,  
applicants hereby elect to prosecute the face or end mill (claims 1-10).

The restriction requirement is traversed for the following reason. The alleged basis for making the restriction requirement is that the claimed product can be made by a different process such as a casting operation. However, that is not the case.

A grinding process (rotating an abrasive disk) is the only known method to produce the cutting edges on the periphery of the claimed rotary tool. It is impossible to produce sharp and well-defined edges that can constitute "cutting" edges by means of a casting process.

In general, the respective rotary tools are first produced as just a single cylindrical shaft, whereupon the chip flutes are generally produced by means of a rotary abrasive disk which is slightly tilted with respect to the axis of the tool and moved along a spiral path around the periphery thereof. This process results in the

typical shape of the upper part of the chip flutes which can be found on any drill or mill of this type. The article claims 1-10 all recite "cutting edges", and the claimed method is directed to the complete manufacture of the chip flutes and the peripheral "cutting" edges including the lower steeper part thereof in a single step by moving the rotating disk along the spiral path according to the path of the chip flutes and then further tilting the axis of the rotating disk with respect to the axis of the cutting tool when the operative section of the disk approaches the front end of the tool.

Since the edges need to be sharp and precisely defined in order to be considered as cutting edges, it is not possible to produce such a structure by casting, or even by milling or pressing.

Accordingly, it is requested that the restriction requirement between the article claims and the method claims be withdrawn.

Respectfully submitted,

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